

Entered - 04/02/01 - sb
CL01L0205 - DIANNE C. MITCHELL

CLAIM OF: **DONALD M. PEEL, JR.**
2641 Acorn Avenue
Atlanta, Georgia 30305

01-R-0807

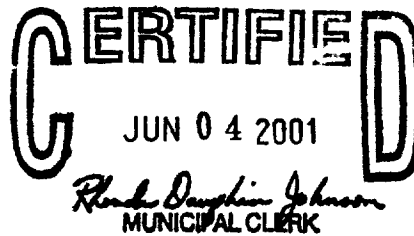
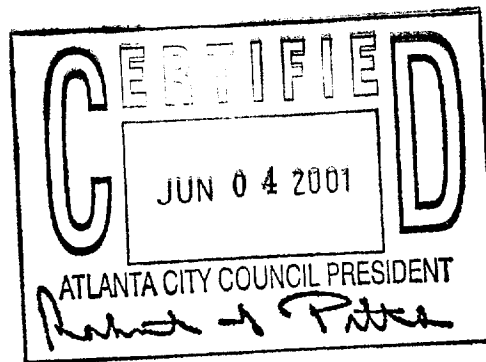
For damages alleged to have been sustained as a result of property damage due to a fallen tree on September 28, 2000 at 2641 Acorn Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CITY COUNCIL JUN 04 2001

RECEIVED
COM Public Safety
DATE 5/29/01
CHIEF C. Timmons
William B. [Signature]
Clota Wenzler





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

June 19, 2001

Donald M. Peel, Jr.
2641 Acorn Avenue
Atlanta, Georgia 30305

01-R-0807

Dear Mr. Peel, Jr.:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0205

Date: May 8, 2001

Claimant /Victim DONALD M. PEEL, JR.

BY: (Atty.) (Ins. Co.) _____

Address: 2641 Acorn Avenue, Atlanta, Georgia 30305

Subrogation: _____ Claim for Property damage \$ 1,600.00 Bodily Injury \$ _____

Date of Notice: 03/12/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/28/00 Place: 2641 Acorn Avenue

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged when a tree from a City park fell onto his fence and two of his trees causing damages in the above amount. The investigation determined that the City had no notice of any problems with the tree in questions prior to it falling. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

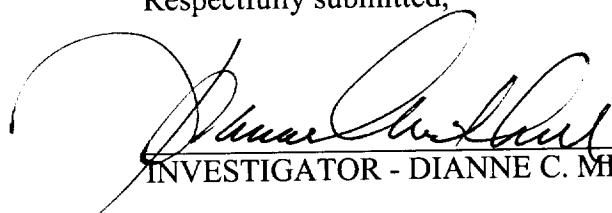
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

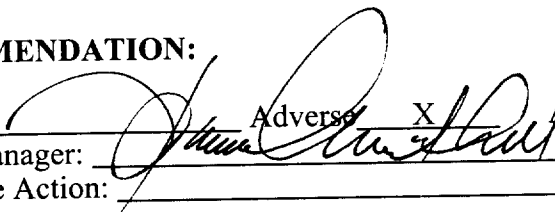
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 05-16-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 1-24-01

Dear Municipal Clerk:

ENTERED - 4-2-01 - SB
01L0205 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1600.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 9/00 (month/day/year) 2. Time of Incident: 12:00 am 3. Police called: Yes ☒ No
4. Location of incident (including street address): 2041 Acorn Ave.
5. Name of your insurance company: Travelers Insurance Policy No. 9633270026531
6. State what and how incident occurred: A storm knocked down a city owned tree (in Alexander Park). The tree knocked down & damaged fence on my property line and damaged two trees on my property. City came & removed tree already.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Brian B. Hingham Acorn Avenue 404-233-3430
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Donald M. Peel, Jr.
Signature of Claimant

01- R-0807

Donald M. Peel, Jr.
(Print Claimant's Name)

2041 Acorn Ave
(Address)

Atlanta, Ga 30305
(City, State and Zip Code)

N/A 404-224-0011
(Work Number) (Home Number)

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Unanimous

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Wooldard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
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